

# House File 273 - Introduced

HOUSE FILE 273

BY NORDMAN

## A BILL FOR

1 An Act providing for an exemption from tort liability arising  
2 from winter recreational activities on commercial property.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1. NEW SECTION. 675.1 Injuries arising from winter  
2 recreational activities on commercial property — liability.

3     1. A person that owns or controls commercial property shall  
4 be liable only to the extent liability may be imposed by an  
5 express statute dealing with such claims and, in the absence of  
6 such express statute, a person that owns or controls commercial  
7 property shall be immune from liability on any claim for injury  
8 or damages based upon or arising out of claim of negligence  
9 against such a person who can show that the injury or damages  
10 occurred on the commercial property from sledding, tubing, or  
11 other related winter recreational activity, that the claimed  
12 injuries or damages resulted from the normal and expected risks  
13 inherent in the recreational activity, and that the person  
14 engaging in the recreational activity was voluntarily on the  
15 commercial property where the injuries or damages occurred and  
16 knew or reasonably should have known that the recreational  
17 activity created a substantial risk of injuries.

18     2. This section does not exempt from liability a person that  
19 promotes, advertises, recommends, or charges a fee for use of  
20 the commercial property for sledding, tubing, or other related  
21 winter recreational activity.

22                                   EXPLANATION

23                   The inclusion of this explanation does not constitute agreement with  
24                   the explanation's substance by the members of the general assembly.

25     This bill provides an exemption from tort liability arising  
26 from winter recreational activities on commercial property.

27     The bill provides that a person who owns or controls  
28 commercial property shall be immune from liability from any  
29 claim for injury or damages based upon or arising out of claim  
30 of negligence against such a person, if the person can show  
31 that the injury or damages occurred from voluntary sledding,  
32 tubing, or other related winter recreational activity on  
33 commercial property, that the claimed injuries or damages  
34 resulted from the normal and expected risks inherent in the  
35 activity, and that the injured person knew or reasonably should

1 have known that the recreational activity created a substantial  
2 risk of injuries.

3     A person who promotes, advertises, recommends, or charges  
4 a fee for use of the property for sledding, tubing, or other  
5 related winter recreational activity is not exempt from tort  
6 liability under the bill.